

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

RIPON UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2010080302

RIPON UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO.

ORDER DENYING REQUEST FOR
RECONSIDERATION

On October 27, 2010, the undersigned administrative law judge issued an order that denied Student's motion to quash the subpoena duces tecum (SDT) issued by the Ripon Unified School District's (District) attorney and served on Genesis Behavior Center, and granted in part regarding the SDT served on Student's therapist, Marla Arata, by limiting disclosure to documents from April 1, 2010 to the present. On November 1, 2010, Student filed a motion for reconsideration contending that he standing to challenge the timing of production of documents in a SDT served on a third party pursuant to subdivision (c)(2) of section 3082 of title 5 of the California Code of Regulations. The District did not file a response.

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

Student alleges no new facts, circumstances, or law in support of the request reconsideration because Student continues to fail to allege standing to contest the SDT served on Ms. Arata and Genesis. Student did not establish that a motion to quash is warranted to protect Student from unreasonable or oppressive demands, including unreasonable violations of the right of privacy of the person.” (Code Civ. Proc., § 1987.1, subd. (a).) While Student has the right to file a motion to quash the SDT regarding whether the District complied with the privacy notice requirements in Code of Civil Procedure, section 1985.3, Student did not. Accordingly, Student’s request for reconsideration is denied.

IT IS SO ORDERED.

Dated: November 2, 2010

/s/

PETER PAUL CASTILLO
Administrative Law Judge
Office of Administrative Hearings